



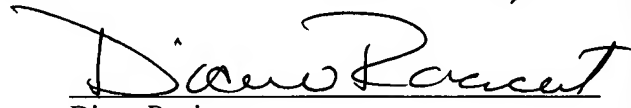
PATENT
Attorney Docket No. PTK-226

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Vaidyanathan et al. CONFIRMATION NO. 2540
SERIAL NO.: 10/632,237 GROUP NO.: 2125
FILING DATE: July 31, 2003 EXAMINER: Not Yet Assigned
TITLE: Web Handling with Tension Sensing and Adjustment

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of September, 2004.


Diane Racicot

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Preliminary Amendment (8 pgs plus 2 sheets of drawings under Appendix);
3. Supplemental Information Disclosure Statement (2 pgs);
4. PTO Form 1449 (1 pg);
5. Copy of reference C1;
6. and a return receipt postcard.



TRANSMITTAL FORM

Application Serial Number	10/632,237
Filing Date	July 31, 2003
First Named Inventor	Vaidyanathan
Group Art Unit	2125
Examiner Name	Not Yet Assigned
Attorney Docket No.	PTK-226
Confirmation No.	2540
Issue Date	Not applicable

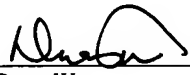
ENCLOSURES (check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Check Attached
<input type="checkbox"/> Copy of Fee Transmittal Form
<input checked="" type="checkbox"/> Amendment
(8 pgs plus 2 sheets of drawing under Appendix)
<input checked="" type="checkbox"/> Preliminary
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings
[Total Sheets _____]
<input type="checkbox"/> Petition for Extension of Time
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement (2 pgs)
<input checked="" type="checkbox"/> Form PTO-1449 (1 pg)
<input checked="" type="checkbox"/> Copy of reference C1
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Sequence Listing submission
<input type="checkbox"/> Paper Copy/CD
<input type="checkbox"/> Computer Readable Copy
<input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application
<input type="checkbox"/> Formal Drawing(s)
<input type="checkbox"/> Request For Continued Examination (RCE)
Transmittal
<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application
<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> CD(s) for large table or computer program
<input type="checkbox"/> Amendment After Allowance
<input type="checkbox"/> Request for Certificate of Correction
<input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
<input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|---|--|---|

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Date: September 2, 2004
Reg. No. Limited Recognition
Tel. No.: (617) 248-7808
Fax No.: (617) 248-7100
PTO Customer No. 021323
Duan Wu
Attorney for the Applicant
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

C1

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,238	07/31/2003	Nandakumar Vaidyanathan	PTK-227	2542

21323 7590 05/25/2004

TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110



EXAMINER

FUNK, STEPHEN R

ART UNIT PAPER NUMBER

2854

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/632,238		VAIDYANATHAN ET AL.	
	Examiner		Art Unit	
	Stephen R Funk		2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20-27, 29, 30 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 1-19, 28 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

The disclosure is objected to because of the following informalities: In paragraph 37 line 3 “with in” should be --within--, in paragraph 43 line 4 “the the” is repetitive, in paragraph 46 line 8 “physically separate device 540” is inconsistent with “readout meter 540” spanning pages 10 and 11, and in paragraph 65 line 2 “plate 913”, second occurrence, should presumably be --cylinder 912--. Appropriate correction is required.

The drawings are objected to because reference numeral “1150b” is not shown in Figure 12. See paragraph 73 line 7 in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 1 - 19 and 21 are objected to because of the following informalities:

In claim 1 lines 4 and 6 “a cavity” would appear to be a double recitation of the same in line 3.

In claim 21 “advice” should be --device--.

Appropriate correction is required.

Claims 22 - 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22 line 1 “the interior of the cylinder” lacks proper antecedent basis. Furthermore, the cylinder has not even been recited as an element of the web-winding device. It is not clear if applicant is claiming only a web-winding device or a web-winding device in combination with a cylinder.

In claims 23 and 24 there is no recitation of structure to allow the device to "travel". The claims are entirely functional without any recitation of structure to perform the claimed functions. Although functional recitations per se are not improper, a functional recitation without any supporting structure renders the scope of the claim indefinite since it is not clear what structure, if any, is encompassed by the claim.

In claim 25 there is no structure recited to perform the function of the sensing the tension of the web material or activating the tension adjuster. Note the comments above with respect to purely functional recitations.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20, 21, 23, 25 - 27, 29, 30, and 32 - 34 are rejected under 35 U.S.C. 102(b) as being anticipated by van Meijel et al. (US 3,737,230).

With respect to claim 20, van Meijel et al. teach a tension adjuster (16, 16', 17, 17') for adjusting a tension of a web (13, 14) by displacing a portion of the web in relation to a plane tangential to a contact point of a cylinder. See Figure 2 and column 4 lines 39 - 66 of van Meijel et al., for example.

With respect to claim 21 note the spool (15).

With respect to claim 23 note the linear trajectory (18).

With respect to claim 25, as broadly recited, the reversal of the spools creates a change in the tension of the web.

Art Unit: 2854

With respect to claim 26 the method for adjusting the tension is inherent utilizing the tension adjuster of van Meijel et al. See again column 4 lines 39 - 66 of van Meijel et al.

With respect to claim 27 note that the web is always tangential to a surface of the cylinder.

With respect to claim 29 note the dancer rolls (16, 17).

With respect to claim 30 note the at least one pair of edges (9), cavity (8), and spool (15).

With respect to claim 32 the rounded edges (9) inherently have a different radius of curvature.

With respect to claim 33 at least one mediate location of the rolls (16, 17) would provide a contact point not on either edge. The claim does not specify when or how long the webs are not in contact with the edges.

With respect to claim 24 note the linear trajectory (18).

Claims 1 - 19 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action. The prior art of record does not teach a displacement device in combination with first and second winding devices within a cylinder cavity. Furthermore, there is no proper motivation to provide both of the winding devices of van Meijel et al. within the cylinder.

Claims 28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach an angular displacement arm or a displacing spool.

Art Unit: 2854

Claim 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 22 could not be examined relative to the prior art at this time due to the indefiniteness of the claim.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note Figures 3 and 3a of Kusch et al. ('242) and Figure 3 of Fuhrmann et al. ('043).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (571) 272-2164.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (571) 272-2168.

The fax phone number for ALL official papers is (703) 872-9306. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner at (571) 273-2164.

SRF
May 20, 2004


STEPHEN R. FUNK
PRIMARY EXAMINER